

AMENDED IN SENATE AUGUST 21, 2014
AMENDED IN SENATE AUGUST 19, 2014
AMENDED IN SENATE JUNE 23, 2014
AMENDED IN SENATE JUNE 4, 2014
AMENDED IN ASSEMBLY JANUARY 30, 2014
AMENDED IN ASSEMBLY JANUARY 27, 2014
AMENDED IN ASSEMBLY MARCH 19, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 371

Introduced by Assembly Member Salas

February 14, 2013

An act to amend Section 13274 of the Water Code, relating to sewage sludge.

LEGISLATIVE COUNSEL'S DIGEST

AB 371, as amended, Salas. Sewage sludge: Kern County.

Existing law requires the State Water Resources Control Board or a California regional water quality control board, upon receipt of an application for waste discharge requirements for discharge of dewatered, treated, or chemically fixed sewage or other biological solids, to prescribe general waste discharge requirements for that sludge or those other solids. The California Integrated Waste Management Act of 1989 establishes an integrated waste management program that includes the regulation of solid waste disposal and solid waste facilities, and defines

solid waste to include dewatered, treated, and chemically fixed sewage sludge that is not a hazardous waste.

This bill would require the state board from January 1, 2015, to December 31, 2016, inclusive, to require, for specified pathogens and endotoxins, additional testing 2 times per year on properties in Kern County where sewage sludge or other biological solids are applied. The bill would authorize the state board to identify additional pathogens, endotoxins, and other hazards for testing based on the potential for groundwater contamination and potential to adversely affect human health originating in sewage sludge or other biological solids, and would require the state board to submit a report after each test containing the results of the test to prescribed committees of the Legislature and the Kern County Board of Supervisors. The bill would require the state board from January 1, 2015, to December 31, 2016, inclusive, to require, on property located in Kern County where sewage sludge or other biological solids are applied, monitoring of shallow groundwater beneath or downgradient, or both, of a biological solids application site for the specified pathogens and endotoxins, at least once in the spring and once in the fall.

This bill would make legislative findings and declarations as to the necessity of a special statute for Kern County.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13274 of the Water Code is amended to
2 read:
3 13274. (a) (1) The state board or a regional board, upon receipt
4 of applications for waste discharge requirements for discharges of
5 dewatered, treated, or chemically fixed sewage sludge and other
6 biological solids, shall prescribe general waste discharge
7 requirements for that sludge and those other solids. General waste
8 discharge requirements shall replace individual waste discharge
9 requirements for sewage sludge and other biological solids, and
10 their prescription shall be considered to be a ministerial action.
11 (2) The general waste discharge requirements shall set minimum
12 standards for agronomic applications of sewage sludge and other
13 biological solids and the use of that sludge and those other solids
14 as a soil amendment or fertilizer in agriculture, forestry, and surface

1 mining reclamation, and may permit the transportation of that
2 sludge and those other solids and the use of that sludge and those
3 other solids at more than one site. The requirements shall include
4 provisions to mitigate significant environmental impacts, potential
5 soil erosion, odors, the degradation of surface water quality or fish
6 or wildlife habitat, the accidental release of hazardous substances,
7 and any potential hazard to the public health or safety.

8 (b) The state board or a regional board, in prescribing general
9 waste discharge requirements pursuant to this section, shall comply
10 with Division 13 (commencing with Section 21000) of the Public
11 Resources Code and guidelines adopted pursuant to that division,
12 and shall consult with the State Air Resources Board, the
13 Department of Food and Agriculture, and the Department of
14 Resources Recycling and Recovery.

15 (c) The state board or a regional board may charge a reasonable
16 fee to cover the costs incurred by the board in the administration
17 of the application process relating to the general waste discharge
18 requirements prescribed pursuant to this section.

19 (d) Notwithstanding any other law, except as specified in
20 subdivisions (f) to (i), inclusive, general waste discharge
21 requirements prescribed by a regional board pursuant to this section
22 supersede regulations adopted by any other state agency to regulate
23 sewage sludge and other biological solids applied directly to
24 agricultural lands at agronomic rates.

25 (e) The state board or a regional board shall review general
26 waste discharge requirements for possible amendment upon the
27 request of any state agency, including, but not limited to, the
28 Department of Food and Agriculture and the State Department of
29 Public Health, if the board determines that the request is based on
30 new information.

31 (f) This section is not intended to affect the jurisdiction of the
32 Department of Resources Recycling and Recovery to regulate the
33 handling of sewage sludge or other biological solids for
34 composting, deposit in a landfill, or other use.

35 (g) This section is not intended to affect the jurisdiction of the
36 State Air Resources Board or an air pollution control district or
37 air quality management district to regulate the handling of sewage
38 sludge or other biological solids for incineration.

39 (h) This section is not intended to affect the jurisdiction of the
40 Department of Food and Agriculture in enforcing Sections 14591

1 and 14631 of the Food and Agricultural Code and any regulations
2 adopted pursuant to those sections, regarding the handling of
3 sewage sludge and other biological solids sold or used as fertilizer
4 or as a soil amendment.

5 (i) This section does not restrict the authority of a local
6 government agency to regulate the application of sewage sludge
7 and other biological solids to land within the jurisdiction of that
8 agency, including, but not limited to, the planning authority of the
9 Delta Protection Commission and the resource management plan
10 of that is required to be implemented by local government general
11 plans.

12 (j) (1) From January 1, 2015, to December 31, 2016, inclusive,
13 the state board shall require, for the pathogens and endotoxins
14 described in paragraph (2), additional testing two times per year
15 on properties in Kern County where sewage sludge or other
16 biological solids are applied. The state board may identify
17 additional pathogens, endotoxins, and other hazards for testing
18 pursuant to this subdivision based on the potential for groundwater
19 contamination and potential to adversely affect human health
20 originating in sewage sludge or other biological solids. The state
21 board shall review the testing conducted pursuant to this
22 subdivision. The state board shall submit a report after each test
23 conducted pursuant to this section containing the results of the test
24 to the Assembly Committee on Environmental Safety and Toxic
25 Materials, the Senate Committee on Environmental Quality, and
26 the Kern County Board of Supervisors.

27 (2) The following pathogens and endotoxins shall be tested for
28 pursuant to paragraph (1):

- 29 (A) Chlorophyrifos.
- 30 (B) Dichlorodiphenyldichloroethylene (DDE).
- 31 (C) Dichlorodiphenyltrichloroethane (DDT).
- 32 (D) Escherichia coli (E. coli).
- 33 (E) Fluoride.
- 34 (F) Iron.
- 35 (G) Manganese.
- 36 (H) Polybrominated Diphenyl Ethers (PBDEs).
- 37 (I) Polychlorinated Biphenyls (PCBs).
- 38 (J) Salmonella.
- 39 (K) Silver.
- 40 (L) Tetrachloroethylene (PERC).

1 (M) Thallium.

2 (N) Tin.

3 (O) Toluene.

4 (3) From January 1, 2015, to December 31, 2016, inclusive, the
5 state board shall require, on property located in Kern County where
6 sewage sludge or other biological solids are applied, monitoring
7 of shallow groundwater beneath or downgradient, or both, of a
8 biological solids application site for the pathogens and endotoxins
9 identified in paragraph (2), as well as those pathogens and
10 endotoxins whose monitoring is required by applicable waste
11 discharge requirements. At a minimum, monitoring shall occur at
12 least once in the spring and once in the fall.

13 *(4) The state board shall not require any person, agency, or*
14 *entity that applies less than 10,000 tons of sewage sludge or other*
15 *biological solids per year to test or monitor pursuant to paragraphs*
16 *(1) to (3), inclusive.*

17 ~~(4)~~

18 (5) This subdivision does not limit the authority of the state
19 board or a regional board to test and regulate discharge
20 requirements of dewatered, treated, or chemically-fixed sewage
21 sludge and other biological solids pursuant to existing law.

22 SEC. 2. The Legislature finds and declares that a special law
23 is necessary and that a general law cannot be made applicable
24 within the meaning of Section 16 of Article IV of the California
25 Constitution due to the unique and special problems associated
26 with the land application of sewage sludge in Kern County
27 requiring the control of sewage sludge for the public good.

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